



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,254	01/04/2002	Thierry Valet	60559-301701	9462

7590 03/22/2005

BRIAN R. COLEMAN
PATENT ATTORNEY PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK,, CA 94026-2168

EXAMINER

PIZIALI, JEFFREY J

ART UNIT PAPER NUMBER

2673

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,254

Applicant(s)

VALET, THIERRY

Examiner

Jeff Piziali

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figures 1, 2, and 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated (see paragraphs 8-11 of the instant specification). See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheets should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 26, 34, 118, and 514 (see paragraphs 20, 21, 24, and 27 of the instant specification). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any

Art Unit: 2673

required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the "scalability feature" recited in claim 9; the "navigation capability of the physical map" recited in claim 10; and the "handwriting recognition capability" recited in claim 20.

Claim Objections

4. Claim 17 is objected to because of the following informalities: this claim is an incomplete sentence and adds no subject matter to parent claim 16. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5, 9, 10, 19, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 5 recites the limitation "the orientation of the certain portion display" in lines 1-2.

There is insufficient antecedent basis for this limitation in the claim.

8. Claim 9 recites the limitation "the scalability feature" and "tracked movement of the display device" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 10 recites the limitation "the navigation capability of the physical map" and "the display device" in lines 2-4. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 19 recites the limitation "the handheld computer device" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 20 recites the limitation "the PDA" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

13. Claims 1-3, 5, 6, 8, 11, and 13-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art.

Regarding claim 1, Applicant's Admitted Prior Art discloses a hand-held device [Fig. 2; 20] comprising: a circuit board; a processor means [Fig. 4; 110] attached to said circuit board; a tracking means [Fig. 4; 116] for sensing movements of the device wherein the tracking means contains an accelerometer chip mounted at an angle with respect to the circuit board (see paragraphs 2-5 and 16-24).

Regarding claim 2, Applicant's Admitted Prior Art discloses the device is a personal digital assistant [Fig. 2; 20] (see paragraph 17).

Regarding claim 3, Applicant's Admitted Prior Art discloses the tracked movements are used to control a display [Fig. 2; 28] (see paragraph 21).

Regarding claim 5, Applicant's Admitted Prior Art discloses the orientation of the certain portion displayed is redefined in response to a request by a user (see paragraph 18).

Regarding claim 6, this claim is rejected by the reasoning applied in the above rejection of claim 1; furthermore, Applicant's Admitted Prior Art discloses a method of mounting an integrated circuit chip onto a circuit board [Fig. 4; 110] comprising the steps of providing a circuit board onto which electrical components will be mounted; and mounting an accelerometer chip onto said circuit board so that an angle is formed between said circuit board and said accelerometer chip (see paragraphs 2-5 and 16-24).

Regarding claim 8, Applicant's Admitted Prior Art discloses acceleration may be detected in more than one plane of motion (see paragraph 5).

Regarding claim 11, this claim is rejected by the reasoning applied in the above rejection of claim 1; furthermore, Applicant's Admitted Prior Art discloses a method of measuring acceleration in more than one plane of motion comprising the steps of; providing a circuit board [Fig. 4; 110] on which electrical components will be mounted, mounting an accelerometer chip onto said circuit board wherein an angle is formed between the circuit board and the accelerometer chip (see paragraphs 2-5 and 16-24).

Regarding claim 13, Applicant's Admitted Prior Art discloses the single accelerometer chip is capable of sensing motion in more than one plane due to said angle (see paragraph 5).

Regarding claim 14, Applicant's Admitted Prior Art discloses the accelerometer produces signals used to control an electrical device [Fig. 2; 20] (see paragraph 17).

Regarding claim 15, Applicant's Admitted Prior Art discloses the device is a personal digital assistant [Fig. 2; 20] (see paragraph 17).

Regarding claim 16, this claim is rejected by the reasoning applied in the above rejection of claim 1; furthermore, Applicant's Admitted Prior Art discloses a hand-held device [Fig. 2; 20]

Art Unit: 2673

comprising; a circuit board [Fig. 4; 110] that contains a slanted surface; and an accelerometer chip mounted on said slanted surface (see paragraphs 2-5 and 16-24).

Regarding claim 17, Applicant's Admitted Prior Art discloses a hand-held device [Fig. 2; 20] (see paragraph 17).

Regarding claim 18, Applicant's Admitted Prior Art discloses the device is a hand-held personal digital assistant [Fig. 2; 20] (see paragraph 17).

Regarding claim 19, Applicant's Admitted Prior Art discloses the handheld computer device is a personal digital assistant [Fig. 2; 20] (see paragraph 17).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4, 7, 9, 10, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Svancarek et al. (6,249,274 B1).

Regarding claim 4, Applicant's Admitted Prior Art does not expressly disclose the angle formed between the accelerometer chip and the circuit board is 19 degrees. However, Svancarek discloses the angle formed between an accelerometer chip and a circuit board being 19 degrees

Art Unit: 2673

(see figures 4A-4C; column 5, line 51 - column 6, line 48 -- wherein 19 degrees is within the range between VREST and VG). Applicant's Admitted Prior Art and Svancarek are analogous art because they are from the shared field of input devices using accelerometers to sense movement. Therefore, it would have been obvious to provide the hand-held device of Applicant's Admitted Prior Art with Svancarek's angled accelerometer technique, so as to sense a wide range of inclination angles.

Regarding claim 7, this claim is rejected by the reasoning applied in the above rejection of claim 4.

Regarding claim 9, Svancarek discloses a scalability feature is controlled by user input separate from tracked movement of the display device [Fig. 1; 47] (see column 2, line 46 - column 3, line 39).

Regarding claim 10, Svancarek discloses the navigation capability of a physical map includes a scalability feature allowing adjustment of the scalability of the physical map in order to provide a viewer of the display device views of the physical map having different magnifications (see figures 4A-4C; column 5, line 51 - column 6, line 48).

Regarding claim 12, this claim is rejected by the reasoning applied in the above rejection of claim 4.

Art Unit: 2673

Regarding claim 20, Svancarek discloses handwriting recognition capability (see column 2, line 46 - column 3, line 39).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prince (5,581,484 A), Roberts (5,563,632 A), LaBiche et al. (4,839,838 A), Peters (4,712,426 A), Morrison (4,711,125 A), and Merhav (4,445,376 A) are cited to further evidence the state of the art pertaining to hand-held devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



17 March 2005



BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600